



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during December 2013
DISTRIBUTED: January 22, 2014

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Air:

Pike Industries, Inc., Westbrook, Maine. Pike Industries, Inc. ("Pike") violated the terms of its Department-issued air emission license by not performing required initial performance tests on two rock crushers. Subsequent to Department involvement, Pike performed the required tests with passing results. To resolve the violations, Pike paid \$1,000 as a civil monetary penalty.

Land:

LT Steu-Mach, LLC a/k/a BBS-Lobster Trap, Steuben, Maine. LT Steu-Mach, LLC a/k/a BBS-Lobster Trap ("BBS-Lobster Trap") violated Maine's *Natural Resources Protection Act* by constructing a permanent structure and placing fill, specifically a pier, riprap, and retaining wall, in and adjacent to a coastal wetland without a permit. BBS Lobster-Trap had submitted a permit application to the Department for the pier, riprap, and retaining wall, but as of the date of a Department inspection the work had been completed despite a permit having not yet been issued. Subsequent to the Department's inspection, the permit application was approved by the Department, with conditions. In addition, BBS-Lobster Trap violated Maine's *Protection and Improvement of Waters* law by discharging a pollutant, namely concrete, to waters of the state without a permit. Concrete had been placed at the base of the riprap in several locations to prevent lobsters from getting into the spaces between the rocks. To resolve the violations, BBS-Lobster Trap paid \$4,041 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Land:

State of Maine and Maine Department of Environmental Protection v. Steve McGee Construction, LLC and Steven A. McGee, Readfield, Maine. Steve McGee Construction, LLC ("McGee Construction") and Steven A. McGee ("Steven McGee") violated Maine's *Protection and Improvement of Waters* law by discharging pollutants to waters of the State without first obtaining a permit from the Department. Specifically, McGee Construction and Steven McGee failed to put effective erosion control in place while conducting a clear-cutting and stumping operation to create a 22-acre field. After a significant rain event, large quantities of run-off containing pollutants (rock, dirt, and sand) were discharged into an unnamed stream and Torsey Pond. By displacing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment into a protected natural resource McGee Construction and Steven McGee also violated Maine's *Erosion and Sedimentation Control* law. To resolve the violations, in a Consent Decree and Order agreed to by the parties and approved by the court, McGee Construction and Steven McGee agreed to: have all employees of McGee Construction currently certified in Erosion and Sediment Control Practices attend training and be recertified; until June 30, 2015, submit a plan for specific erosion control measures to the Department at least three days prior to commencing any soil disturbance greater than one acre and implement the plan unless otherwise directed by the Department; until June 30, 2015, hire a third-party inspector for all projects greater than five acres of disturbed area to inspect the project on an ongoing



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basis for compliance with state environmental laws; and not bid on or enter into any contract with the Department until December 31, 2014. In addition, McGee Construction and Steven McGee agreed to pay \$50,000 as a civil monetary penalty, according to a payment schedule.